

EXHIBIT 35

SMOKE DAMPERS IN HAZARDOUS DUCTS JUSTIFICATIONS

Exhibit A – Admission to “mistake” by ICC

--- Forwarded message from "Ryan Borkowski" ---

>From: "Ryan Borkowski" <Ryan.Borkowski@HanoverNH.org>
>To: <psherman@prsherman.com>, "Matthew R. Purcell"
<Matthew.R.Purcell@Dartmouth.EDU>, "Richard J. Jaros"
<Richard.J.Jaros@Dartmouth.EDU>, "Jerry Frankenfield"
<Jeryl.Frankenfield@HanoverNH.org>
>Subject: FW: smoke dampers lab hoods
>Date: Tue, 26 Jun 2007 16:04:55 -0400

Gentlemen:

Response opinion from ICC re smoke dampers in hazardous exhaust.

Ryan

From: Bob Guenther [mailto:bguenther@iccsafe.org] Sent: Thursday, May 17, 2007 1:07 PM To: Ryan Borkowski Cc: Lis Valdemarsen Subject: RE: smoke dampers lab hoods

Ryan

I have checked with other staff members about this issue and have found that this question has come up before. The intent of section 510.6 (Hazardous Exhaust Systems) was to not have any dampers in a hazardous exhaust system including a smoke damper. The provision for eliminating the smoke damper was left out of this section by mistake due to the switching of this subject from the Building to the Mechanical code. There is some activity to get a code change to this section to include smoke dampers. I hope that this answers your question. If I can be of further service feel free to contact me.

Bob Guenther
Sr. Technical Staff
ICC / Architectural and Engineering Services 5360 Workman Mill Road
Whittier, California 90601-2298 Ph 1-888-422-7233 (ICC-SAFE) Fax
1-562-699-4522 email: bguenther@iccsafe.org

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--- End of forwarded text ---

Exhibit B – IBC/IMC Conflict with NFPA 45

NFPA 45 (1996 ed) 6.10.3 and (2004 Ed.) 8.10.3.1 prohibits automatic fire dampers in laboratory hood exhaust systems.

While NFPA 45 prohibits fire dampers, the intent can reasonably be interpreted to mean a prohibition of smoke dampers, or combination fire/smoke dampers as well. This is confirmed by NFPA 45 6.5.7 (ed 1996), which require all dampers to fail open, and NFPA 45 6.8.1.2 (1996 ed) , which prohibits baffles from materially restricting the volume of airflow.

Also NFPA 6-3.2 and 6-4.4 (1996 ed) require air to be continuously ventilated and discharged from laboratory units and work areas where chemicals are present.

The IBC/IMC requirement for smoke dampers in laboratory hood exhaust is a conflict between the state building code and the state fire code and, per RSA 155-A:2 III, the state fire code, in this case NFPA 45, takes precedence.